

Remarks

A. Pending Claims

Claims 1093, 1108, 1109, 1110, have been amended. Claims 1111, 1112, 1117, 1118, 1121, 1122, 1131, 1132, 1135, and 1137 have been cancelled. Claims 1148-1157 are new. Claims 1093-1110, 1113-1116, 1119, 1120, 1123-1130, 1133, 1134, 1136, and 1138-1157 are pending.

B. 35 U.S.C. §101

The Examiner rejected claims 1109, 1126, 1129, and 1146 under 35 U.S.C. §101 because the claims were directed to a carrier medium. Applicant respectfully disagrees with this rejection. Nevertheless, to expedite prosecution of the present application, Applicant has amended claims 1109, 1126, 1129, and 1146 to be directed to a “computer readable medium”. Applicant submits that claims 1109, 1126, 1129, and 1146 are allowable.

C. The Claims Are Not Anticipated by Stolfo Pursuant to 35 U.S.C. § 102(b)

The Examiner rejected claims 1093-1147 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,748,780 to Stolfo (“Stolfo”). Applicant respectfully disagrees with these rejections.

The standard for “anticipation” is one of fairly strict identity. To anticipate a claim of a patent, a single prior source must contain all the claimed essential elements. *Hybritech, Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 231 U.S.P.Q.81, 91 (Fed. Cir. 1986); *In re Donahue*, 766 F.2d 531, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985).

Claims 1093, 1108, and 1109 have been amended to describe combinations of features including:

for at least one information field of the payment instrument, comparing at least a portion of the pre-printed information in the information field of the payment instrument to at least one pre-printed profile representation derived from a corresponding field in at least one other payment instrument, wherein the at least one pre-printed profile representation is associated with a profile for one or more accounts or a profile for one or more individual writers, entities, or representatives of an entity, wherein evidence of non-validity of the payment instrument comprises failure of at least a portion of the pre-printed information in the information field of the payment instrument to approximately match at least one pre-printed profile representation derived from the corresponding information field in at least one other payment instrument.

Support for the amendments to claims 1093, 1108, and 1109 may be found in Applicant's specification at least on page 24, lines 11-17; page 54, lines 23-27; FIG. 38; page 15, lines 26 to page 16, line 7; page 17, lines 20-28; page 19, line 30 to page 20, line 2; page 22, line 27 to page 23, line 5; page 23, line 26 to page 24, line 7.

Stolfo states:

Alternatively, matching can be performed by computing some feature of a patch or portion of the unknown image, and then matching this extracted feature against a codebook of templates. The templates themselves represent features and any other identifying information to allow for matching. An image feature is a defining characteristic of an image, which therefore may define different or distinguishing image types. Alternatively, one may design a plurality of distinguishing features of an image, each with some appropriately defined identifier, like an image type and at least one feature. The plurality of such features may be represented as a structured record associated with an image. Matching may be performed on this record of features or a portion thereof. Accordingly, the invention teaches the creation of a database having a plurality of records, wherein each record has unique elements comprising an identifying code and a collection of identifiers that distinguishes one record from another. Thus, the image type and feature can be compared against the identifying code and collection of identifiers in the database.

(Stolfo, column 10, lines 21-40)

Stolfo further states:

In the preferred embodiment, simultaneously with the comparison by the processor of the background for a match with templates in the database 8, a determination of a foreground area of the image 16 can be made by standard filtering techniques, with subsequent compression of this portion of the image area 18 using standard compression method techniques selected for this purpose. While the check image is

being processed, all of the data of the check must be analyzed to detect indicia of fraud or irregularity. This preferably occurs after the background has been identified, so that the analysis may take into consideration the matched background image. This analysis may take place concurrently or subsequent to other processing of the check. The foreground is checked for any fraudulent indications 20 such as an invalid signature or an improper amount. If any fraudulent indications are found, the check is rejected 22, and is subjected to exception handling, which may include, e.g. notification of the bank operator.

(Stolfo, column 12, lines 4-21)

Stolfo discloses a matching performed by computing some feature of a patch or portion of an unknown image, and then matching the extracted feature against a codebook of templates. Stolfo further discloses comparing an image type and feature against the identifying code and collection of identifiers in the database. Stolfo further discloses analyzing checks to detect indicia of fraud or irregularity in the image of the check, in particular “foreground” features such as signature or improper amount, which may also include consideration of a matched “background image.” Stolfo does not appear to teach or suggest, for at least one particular information field of the payment instrument, comparing at least a portion of the pre-printed information in the information field of the payment instrument to at least one pre-printed profile representation derived from a corresponding information field in at least one other payment instrument, wherein the at least one pre-printed profile representation is associated with a profile for one or more accounts or a profile for one or more individual writers, entities, or representatives of an entity, wherein evidence of non-validity of the payment instrument includes failure of at least a portion of the pre-printed information in the information field of the payment instrument to approximately match at least one pre-printed profile representation derived from a corresponding information field in at least one other payment instrument, in combination with the other features of the claims 1093, 1108, and 1109.

For at least the reasons set forth above, Applicant submits that claims 1093, 1108, and 1109 and the claims dependent thereon are not anticipated by the cited art.

Claims 1110, 1125, and 1126 have been amended to describe combinations of features including:

for at least one information field of the payment instrument, comparing machine-printed text in at least one machine-printed text block in the information field of the payment instrument to at least one machine-printed text profile representation derived from a corresponding information field in at least one other payment instrument, wherein the at least one pre-printed profile representation is associated with a profile for one or more accounts or a profile for one or more individual writers, entities, or representatives of an entity, wherein evidence of non-validity of the payment instrument comprises failure of at least a portion of the machine-printed text in at least one machine-printed text block in the information field of the payment instrument to approximately match at least one machine-printed text profile representation derived from the corresponding information field in at least one other payment instrument.

For at least reasons similar to those set forth above with respect to claims 1093, 1108, and 1109, Applicant submits that the cited art does not teach or suggest at least the above-quoted features of claims 1110, 1125, and 1126, in combination with the other features of the claims.

Claims 1127, 1128, and 1129 have been amended to describe combinations of features including:

for at least one information field of at least one of the payment instruments, determining one or more pre-printed profile representations for at least a portion of the pre-printed information on the one or more payment instruments, wherein the one or more pre-printed profile representations are derived from a corresponding information field in at least one other payment instrument, wherein the one or more pre-printed profile representations are associated with a profile for one or more accounts or a profile for one or more individual writers, entities, or representatives of an entity, wherein evidence of non-validity of the payment instrument comprises failure of at least a portion of the pre-printed information in the information field of the payment instrument to approximately match at least one of the one or more pre-printed profile representations derived from the corresponding information field in at least one other payment instrument.

For at least reasons similar to those set forth above with respect to claims 1093, 1108, and 1109, Applicant submits that the cited art does not teach or suggest at least the above-quoted features of claims 1127, 1128, and 1129, in combination with the other features of the claims.

Claims 1130, 1145, and 1146 have been amended to describe combinations of features including:

for at least one information field of the payment instrument, comparing at least a portion of the variable machine-printed information in the information field of the payment instrument to at least one variable machine-printed profile representation derived from a corresponding information field in at least one other payment instrument, wherein the at least one pre-printed profile representation is associated with a profile for one or more accounts or a profile for one or more individual writers, entities, or representatives of an entity wherein evidence of non-validity of the payment instrument comprises failure of at least a portion of the variable machine-printed information in the information field of the payment instrument to approximately match at least one variable machine-printed profile representation derived from the corresponding information field in at least one other payment instrument.

For at least reasons similar to those set forth above with respect to claims 1093, 1108, and 1109, Applicant submits that the cited art does not teach or suggest at least the above-quoted features of claims 1130, 1145, and 1146, in combination with the other features of the claims.

Claims 1147 has been amended to describe a combination of features including:

for at least one information field of the payment instrument, comparing at least a portion of the pre-printed information in the information field of the payment instrument to at least one pre-printed profile representation derived from a corresponding information field in at least one non-valid payment instrument, wherein the at least one pre-printed profile representation is associated with a profile for one or more accounts or a profile for one or more individual writers, entities, or representatives of an entity, wherein evidence of non-validity of the payment instrument exists when at least a portion of the pre-printed information in the information field of the payment instrument approximately matches at least one of the pre-printed profile representations derived from a non-valid payment instrument derived from the corresponding information field in at least one other payment instrument.

For at least reasons similar to those set forth above with respect to claims 1093, 1108, and 1109, Applicant submits that the cited art does not teach or suggest at least the above-quoted features of claim 1147, in combination with the other features of the claim.

D. New Claims

New claim 1148 describes a combination of features including: “wherein the comparison of the pre-printed information in the information field of the payment instrument to the at least one pre-printed profile representation derived from a corresponding information field in at least one other payment instrument comprises comparing pre-printed text comprising a name of the account owner in the payment instrument to pre-printed text of an account owner from at least one pre-printed profile representation.” Applicant submits that the combination of features of this claim are not taught or suggested by the cited art.

New claim 1149 describes a combination of features including: “wherein comparing at least a portion of the pre-printed information in the information field of the payment instrument to at least one pre-printed profile representation derived from a corresponding information field in at least one other payment instrument comprises comparing a size of the pre-printed text in the information field of the payment instrument to the size of pre-printed text in the corresponding information field of the other payment instrument.” Applicant submits that the combination of features of this claim are not taught or suggested by the cited art.

New claim 1150 describes a combination of features including: “wherein evidence of non-validity of the payment instrument comprises failure of at least a portion of the pre-printed information in the information field of the payment instrument to approximately match at least one pre-printed profile representation derived from the at least two information fields in at least one other payment instrument.” Applicant submits that the combination of features of this claim are not taught or suggested by the cited art.

New claim 1151 describes a combination of features including: “performing one or more fraud tests and assigning a fraud weight to at least one of the one or more of the fraud tests, wherein the fraud weight corresponds to the strength of the indication of fraud in the payment instrument, wherein one of the fraud tests is weighted differently than at least one of the other

fraud tests.” Applicant submits that the combination of features of this claim are not taught or suggested by the cited art.

New claim 1152 describes a combination of features including: “wherein at least one of the fraud tests is based on a comparison of handwriting in an information field of the payment instrument to at least one handwriting profile representation, wherein at least one of the fraud tests is based on a comparison of pre-printed information in an information field of the payment instrument to at least one pre-printed profile representation, wherein at least one of the fraud tests based on handwriting is weighted differently than at least one of the fraud tests based on pre-printed information.” Applicant submits that the combination of features of this claim are not taught or suggested by the cited art.

New claim 1153 describes a combination of features including: “wherein at least one of the pre-printed profile representations is based on a writing profile comprising data on at least one cross-field relationship between at least two information fields in the payment instrument, wherein the comparison of the pre-printed information in the information field of the payment instrument to the at least one pre-printed profile representation derived from a corresponding information field in at least one other payment instrument is based on cross-field relationship data retrieved from the writing profile.” Applicant submits that the combination of features of this claim are not taught or suggested by the cited art.

New claim 1154 describes a combination of features including: “analyzing a correlation of information between two or more of the information fields, wherein the analysis of a first information field of the payment instrument is dependent on what information is in a second information field of the payment instrument; and wherein the comparison of the pre-printed information in the information field of the payment instrument to the at least one pre-printed profile representation derived from a corresponding information field in at least one other payment instrument is based on the correlation analysis between the first information field and the second information field.” Applicant submits that the combination of features of this claim are not taught or suggested by the cited art.

New claim 1155 describes a combination of features including: “wherein analyzing the correlation of information between two or more information fields comprises reading information from at least one cross-correlation table.” Applicant submits that the combination of features of this claim are not taught or suggested by the cited art.

New claim 1156 describes a combination of features including: “wherein analyzing the correlation of information between two or more information fields comprises determining whether the writing in the first field of the payment instrument matches an entry in a lexicon associated with the information in the second information field of the payment instrument, wherein the lexicon is based on at least one other payment instrument.” Applicant submits that the combination of features of this claim are not taught or suggested by the cited art.

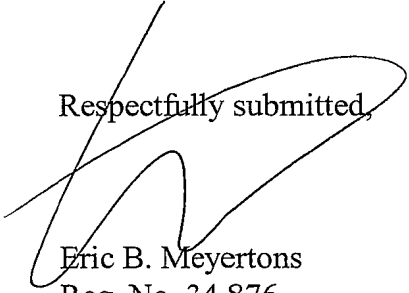
New claim 1157 describes a combination of features including: “comparing a size of payment instrument to the size of at least one other payment instrument, wherein evidence of non-validity of the payment instrument comprises failure of the size of the payment instrument to approximately match the size of at least one other payment instrument.” Applicant submits that the combination of features of this claim are not taught or suggested by the cited art.

E. Additional Comments

Based on the above, Applicant submits that all of the claims are in condition for allowance. Favorable reconsideration is respectfully requested.

Applicant requests a one-month extension of time. If any additional extension of time is required, Applicant hereby requests the appropriate extension of time. If additional fees are required or if any fees have been overpaid, please appropriately charge or credit those fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account Number 50-1505/5053-00507/EBM.

Respectfully submitted,


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